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REPORT OF SURVEY
FOR
THE UNITED STATES OF AMERICA
AGRICULTURAL RESEARCH SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

I certify that I did, in late February through May, 2000, resurveyed lands conveyed by Reba Opal Plumley to said United States of America by deed dated October 18, 1995 as recorded in Roll 82, Page 1073 among the records of the Clerk of the County Commission of Raleigh County, West Virginia, that the tracts were the 20.33 and 105.17 acre tracts recorded in said deed; however the 105.17 acre tract was found in the resurvey to be actually split into two parcels of 63.443 and 42.326 by a fifteen foot (15') wide strip of land that is part of the Jerry and Connie Bennett land.

That all of the found and held corners were flagged and that all set corners were marked with a painted and flagged stake in June, 2000.

That I wrote a description and made a plat of my resurvey, which are attached hereto and made a part of this report.

That before making this resurvey, I examined the following records in the chain of title for the resurveyed parcels:

Roll 82, Page 1073; Deed Book 475, Page 442; Deed Book 436, Page 523; Deed Book 175, Page 106; Deed Book 107, Page 495; Deed Book 99, Page 286; Deed Book 97, Page 216; Deed Book 71, Page 248; Deed Book 62, Page 87; Deed Book D, Page 13; Will Book 1, Page 157, Will Book 2, Page 472, will recorded in Roll 40, Page 2307; and Chancery Order 7, Page 419.

That the following records were examined in the chain of title for the following adjoiners. Some of the above records are also in the chain of title of the adjoiners and some of the following records may be in the chain of title of more than one adjoiner:

Dwight Richard Bennett, Deed Book 515, Page 437; Deed Book 305, Page 149; Deed Book 305, Page 147; Deed Book 506, Page 221; Deed Book 247, Page 79; Deed Book 202, Page 413; Deed Book 191, Page 423; Deed Book 191, Page 412; Deed Book 290, Page 169; Deed Book 142, Page 448, Deed Book 316, Page 181, Deed Book 5000, Page 3653, Roll 110, Page 2743; Deed Book 295, Page 174, Chancery Order 10, Page 273; and a Map of Mary J Spriggs, et al, dated July 16, 1921.

Donnie Adkins and Ronnie Adkins, Roll 18, Page 262; Deed Book 742, Page 138; Deed Book 584, Page 742; Deed Book

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427, Page 107, Deed Book 292, Page 10; Deed Book 111, Page 268; Deed Book 97, Page 219; and Chancery Order 10, Page 273.

James L. Plumley, Deed Book 535, Page 455.

Jerry and Connie Bennett, Deed Book 5001, Page 4869; Deed Book 467, Page 344, Deed Book 306, Page 376.

That the purpose of this resurvey was to follow the survey performed by another firm in 1995 after which the location of several corners was disputed by the adjoiners, Dwight Bennett and Donnie and Ronnie Adkins.

That I met with the disputing adjoiners to view and discuss the disputed corners and also met with Bobby Plumley, representatives of the owners of the surveyed parcels and Jerry and Connie Bennett.

That much of the old fence line evidence had been removed during the construction of the new fencing and farming activity.

That I found significant differences between my survey and the previous 1995 survey as follows:

A. The record evidence and testimony of all parties converged to indicate that the west end of the north line of Parcel 1 should be 310 feet from the right of way of Route 27. This also affects the two lines south of that point.

B. The stone found at the fence intersection along the west line of Parcel 1, at the south corner of Bennetts T.M., Par. 6 was held as called for in the 1995 survey. No older corner monuments were found.

C. The west 584.21', 495.00' and 872.61' lines of Parcel 1 were held to the lines of a survey performed by David L. Huffman, dated 4/24/82 for Farley's Creek Land Company, a predecessor in title to Bennett. Corners set on that survey and a few old paint line markings were found to confirm that I followed those lines.

D. A 15 foot wide part of the Jerry and Connie Bennett line extends to Route 27. This was left out of the 1995 survey and splits the 105.17 acre tract shown on that survey into two separate parcels. The private roadway serving the Bennett tract does not fall fully within the 15 foot wide strip; however they would probably have gained rights to use that portion outside the strip due to long and continuous use by Bennett and their predecessors in title.



E. Along the east lines of Parcels 2 and 3, I held the iron pins located from the Huffman survey in absence of any original corners. At the west end of the 944.83' line, I held an iron pin. The 1995 survey called for a dead white oak (found). That tree could not have been the original corner tree since it certainly had not been dead for the time indicated in the chain of title and the distance is approximately 90 feet too long.

F. At the east end of the 944.83' line, I held an iron pin. The 1995 survey called for a 24" marked chestnut oak. I found that tree to be a black oak pointer tree marked by Huffman in his survey and it certainly was not the record monument.

G. At the northwest corner of Parcel 2, the 1995 survey incorrectly extended the long east west line to Route 27, crossing a tract owned by Donnie & Ronnie Adkins (T.M. 5, Par. 1.3). The line should have stopped at their line, which is marked by a fence line and turned southwest to Route 27. I have held the old fence location that was indicated by post holes of recently removed posts for this line to Route 27.

H. The location of spring called for on the north line of Parcel 2 was uncertain from the written record. There are two springs located about 60 feet apart in the hollow, one active and the other inactive. The written records of bearings and distances coming from confirmed locations to the east and west are incompatible and can support either location. Verbal statements by the adjoiner, Bennett, and independently by Jerry Bennett and Bobby Plumley, say that the inactive spring was the corner and the active spring was developed after cattle damaged the now inactive spring.

I. The corner where I will scribe an 'X' in a large stone at the west end of the 385.43' line is at the extension of a fence line from the north and in a large stone. The marked maple tree called for in the 1995 survey is most likely a pointer tree, the corner call until the 1995 survey was a stone.

That two copies of the plat, description and this report will be sent to:
Howard Downing
RCG, Inc.
2311 E. Baltimore Street, 12Th Floor
Baltimore, Maryland 21202



CHAPMAN TECHNICAL GROUP

Leon E. Skaggs, Jr.
Leon E. Skaggs, Jr.

West Virginia Professional Surveyor No. 964



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**DESCRIPTION OF
PART OF THE LAND OF
THE UNITED STATES OF AMERICA,
AGRICULTURAL RESEARCH SERVICE,
UNITED STATES DEPARTMENT OF AGRICULTURE
RICHMOND DISTRICT
BECKLEY, WEST VIRGINIA
126.205 ACRES, TOTAL
MAY 25, 2000**

Situate in Richmond District, Raleigh County, West Virginia, on the waters of Farley's Creek and Bills Branch, being all of that land conveyed to The United States of America, Agricultural Research Service, United States Department of Agriculture, of record in the Office of the Clerk of the County Commission of Raleigh County, West Virginia, in Roll 82, Page 1073, and being more particularly bounded and described as follows:

PARCEL 1

Beginning at a 5/8-inch rebar (found), at the southeast corner of a tract of land conveyed to Dwight Richard Bennett, as the third tract recorded in the Deed Book 515, Page 437, and in the west right of way line of West Virginia Secondary Route 27;

thence with said west right of way line for the following three (3) described courses:

- OK 1) South twenty-four degrees forty-seven minutes thirty-four seconds West ($S24^{\circ}47'34''W$) for three hundred thirty-seven and 29/100 feet (337.29');
- ✓ 2) South thirty-four degrees fourteen minutes fifty-two seconds West ($S34^{\circ}14'52''W$) for one hundred ninety-three and 28/100 feet (193.28');
- ✓ 3) South forty-three degrees forty-two minutes forty-nine seconds West ($S43^{\circ}42'49''W$) for twenty-one and 68/100 feet (21.68') to a 5/8-inch rebar (found) at the most easterly corner of the three and 23/100 acres (3.23) remainder of a tract of land conveyed to Okey Ray and Reba Plumley, as recorded in Deed Book 436, Page 522 and Reba Plumley by will as recorded in Roll 40, Page 2397;

thence departing said right of way and with the lines of said remainder parcel for the following six (6) described courses:

- ✓ 1) North twenty-four degrees fifty minutes fourteen seconds West ($N24^{\circ}50'14''W$) for one hundred seventy-six and 91/100 feet (176.91') to a round wooden fence post;

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- ✓ 2) North forty degrees fifty-six minutes twenty seconds West (N40°56'20"W) for one hundred sixty-one and 30/100 feet (161.30') to a 5/8-inch rebar (found);
- ✓ 3) South forty-six degrees thirty-nine minutes fifteen seconds West (S46°39'15"W) for seventy-eight and 89/100 feet (78.89') to a 5/8-inch rebar (found);
- ✓ 4) North forty-four degrees thirty-seven minutes forty-six seconds West (N44°37'46"W) for one hundred fifty-one and 73/100 feet (151.73') to a round wooden fence post;
- ✓ 5) South fifty degrees ten minutes fifty seconds West (S50°10'50"W) for two hundred thirty-five and 23/100 feet (235.23') to a round wooden fence post;
- ✓ 6) South forty-one degrees fifty-two minutes thirty-five seconds East (S41°52'35"E) for five hundred eight and 97/100 feet (508.97') to a 5/8-inch rebar (set) in said west right of way line;

thence with said west right of way line, for the following ten (10) described courses:

- ✓ 1) South forty-three degrees forty-two minutes forty-nine seconds West (S43°42'49"W) for sixty-nine and 70/100 feet (69.70');
- ✓ 2) South forty-four degrees nineteen minutes eleven seconds West (S44°19'11"W) for two hundred seventy and 87/100 feet (270.87');
- ✓ 3) South forty-seven degrees fifty-three minutes thirty-four seconds West (S47°53'34"W) for one hundred nine and 71/100 feet (109.71');
- ✓ 4) South fifty-two degrees thirty-eight minutes thirteen seconds West (S52°38'13"W) for one hundred seventy-one and 94/100 feet (171.94');
- ✓ 5) South forty-six degrees fourteen minutes twenty-one seconds West (S46°14'21"W) for sixty-five and 26/100 feet (65.26');
- ✓ 6) South twenty-nine degrees ten minutes fifty-seven seconds West (S29°10'57"W) for seventy-four and 11/100 feet (74.11');
- ✓ 7) South twenty-three degrees thirty-eight minutes fifty-eight seconds West (S23°38'58"W) for three hundred ninety-three and 04/100 feet (393.04');



- ✓ 8) South twenty-six degrees six minutes twenty-five seconds West (S26°06'25"W) for two hundred twenty-six and 32/100 feet (226.32');
- ✓ 9) South seventy degrees no minutes thirty-two seconds West (S70°00'32"W) for ninety-eight and 62/100 feet (98.62');
- ✓ 10) South eighty-one degrees fifteen minutes twenty-four seconds West (S81°15'24"W) for four hundred thirteen and 34/100 feet (413.34') to an easterly line of a tract of land conveyed to James L. Plumley as recorded in Deed Book 535, Page 455;

✓ thence with said easterly line and its northerly extension along an easterly line of a tract of land conveyed to Dwight R. and Deborah Bennett as recorded in Deed Book 500, Page 3653, North thirty-five degrees forty-seven minutes ten seconds East (N35°47'10"E) for eight hundred seventy-two and 61/100 feet (872.61') to a 5/8 inch rebar (set), witness an iron pin South fifty-five degrees four minutes forty-six seconds East (S55°04'46"E) at sixteen and 70/100 feet (16.70');

thence continuing with the last said Bennett land for the following two (2) described courses:

- ✓ 1) North six degrees thirty-four minutes forty-three seconds West (N06°34'43"W) for four hundred ninety-five and 00/100 feet (495.00') to a 5/8 inch rebar (set), witness an iron pin South forty-six degrees eight minutes eleven seconds East (S46°08'11"E) at fourteen and 75/100 feet (14.75');
- ✓ 2) North forty-nine degrees fifty-eight minutes twenty-three seconds East (N49°58'23"E) for five hundred eighty-four and 21/100 feet (584.21') to a stone found at a fence intersection, an southeasterly corner of tract of land conveyed to said Dwight Richard Bennett as the first tract as recorded in said Deed Book 515, Page 437;

thence with an easterly line of said Bennett first tract and the south line of said Bennett third tract for the following three (3) described courses:

- ✓ 1) North fifty-two degrees fifty-five minutes one second East (N52°55'01"E) for five hundred ninety-four and 07/100 feet (594.07') to an iron pin (found);
- ✓ 2) North forty-seven degrees forty-three minutes ten seconds East (N47°43'10"E) for one hundred fifty-two and 47/100 feet (152.47') to an iron pin (found);
- ✓ 3) South fifty-six degrees fifty-two minutes forty-two seconds East (S56°52'42"E) for three hundred ten and 00/100 feet (310.00') to



the point of beginning of the herein described Parcel 1, containing twenty and 436/1000 (20.436) acres, more or less.

PARCEL 2

Beginning at a 5/8 inch rebar (set) at the most southerly corner of a tract of land conveyed to Donnie Adkins and Ronnie Adkins as tract 2, recorded in Roll 18, Page 2622 and in the east right of way line of West Virginia Secondary Route 27;

thence with the south line of said Bennett tract 2 and the south lines of tract 1 of said Bennett land as recorded in said Roll 18, Page 2622 for the following four (4) described courses:

- ✓ 1) North forty-one degrees eight minutes eighteen seconds East (N41°08'18"E) for one hundred eighty-three and 75/100 feet (183.75') to a 5/8 inch rebar (set) at a fence intersection;
- ✓ 2) North seventy-five degrees forty-six minutes fifty-one seconds East (N75°46'51"E) for one thousand one hundred fifty-two and 74/100 feet (1152.74') to a stone (found) at a fence intersection;
- ✓ 3) South forty-two degrees four minutes no seconds East (S42°04'00"E) for four hundred eighty-eight and 65/100 feet (488.65') to a 5/8 inch rebar (set);
- ✓ 4) South eighty-eight degrees twenty-eight minutes ten seconds East (S88°28'10"E) for three hundred eighty-five and 43/100 feet (385.43') to an 'X' inscribed in a large stone, witness a 30 inch marked maple North thirty-three degrees West (N33°W) at fourteen feet (14'); ✓

✓ thence North no degrees fifty-five minutes eight seconds West (N00°55'08"W) for two hundred fifty-four and 57/100 feet (254.57') to a 5/8 inch rebar (set) in the southwesterly line of a tract of land conveyed to James and Mona Wiseman as recorded in Deed Book 630, Page 717;

✓ thence with said southwesterly line, South thirty-one degrees eleven minutes thirty-eight seconds East (S31°11'38"E) for five hundred ninety-six and 00/100 feet (596.00') to an iron pin (found) at the northwest corner of a tract of land now or formerly conveyed to John W. Parker as recorded in Roll 110, Page 2743;

✓ thence with a westerly line of the last said Parker land, South fifty degrees fifty-four minutes nine seconds West (S50°54'09"W) for six hundred fifty-three and 86/100 feet (653.86') to a 5/8 inch rebar (set) at the northeast corner of a tract of land conveyed to Jerry Arnold Bennett and Connie Sue Bennett as recorded in Deed Book 5001, Page 4869;



thence with the north lines of said Bennett land for the following four (4) described courses:

- ✓ 1) South seventy-three degrees thirty-two minutes fifty-four seconds West (S73°32'54"W) for two hundred sixty-nine and 34/100 feet (269.34') to a 5/8 inch rebar (set);
- ✓ 2) North eighty-six degrees twenty-one minutes fifty-five seconds West (N86°21'55"W) for eight hundred twenty-six and 80/100 feet (826.80') to a stone (found) at a fence intersection;
- ✓ 3) South sixty-seven degrees fifty minutes no seconds West (S67°50'00"W) for two hundred forty-one and 91/100 feet (241.91') to a 5/8 inch rebar (set);
- ✓ 4) North sixty-six degrees fifty-nine minutes thirty-nine seconds West (N66°59'39"W) for six hundred seventy and 66/100 feet (670.66') to point 'A', a 5/8 inch rebar (set) in the east right of way line of said West Virginia Secondary Route 27;

thence with said east right of way line for the following four (4) described courses:

- ✓ 1) North twenty-three degrees forty-two minutes fifty-two seconds East (N23°42'52"E) for one hundred ninety-one and 93/100 feet (191.93');
- ✓ 2) North twenty-six degrees forty-five minutes twenty-nine seconds East (N26°45'29"E) for two hundred one and 48/100 feet (201.48');
- ✓ 3) North seven degrees thirty-nine minutes thirty-nine seconds East (N07°39'39"E) for sixty-four and 90/100 feet (64.90');
- ✓ 4) North no degrees six minutes forty-four seconds East (N00°06'44"E) for fifty-two and 24/100 feet (52.24') to the point of beginning of the herein described Parcel 2, containing forty-two and 326/1000 (42.326) acres, more or less.

PARCEL 3

Commencing for reference at the aforementioned Point 'A' in the east right of way line of West Virginia Secondary Route 27 and at the northwest corner of said Jerry and Connie Bennett land;

- ✓ Thence with said east right of way line and the west line of said Jerry and Connie Bennett land, South twenty-three degrees forty-two minutes fifty-two seconds West (S23°42'52"W) for fifteen and no/100 feet (15.00') to a 5/8 inch rebar (set) at the true point of beginning of the herein described Parcel 3;



thence with the southerly lines of said Jerry and Connie Bennett land for the following three (3) described courses:

- ✓ 1) South sixty-six degrees fifty-nine minutes thirty-nine seconds East (S66°59'39"E) for six hundred eighty-two and 17/100 feet (682.17') to a 5/8 inch rebar (set);
- ✓ 2) South no degrees fifty-nine minutes twelve seconds West (S00°59'12"W) for three hundred fifty-two and 78/100 feet (352.78') to a twenty-nine inch (29") double gum (found);
- ✓ 3) South seventy-seven degrees twelve minutes fifty-eight seconds East (S77°12'58"E) for five hundred sixty-nine and 77/100 feet (569.77') to a 5/8 inch rebar (set) in said west line of said Parker land, witness an iron pin South seventy-seven degrees twelve minutes fifty-eight seconds East (S77°12'58"E) at five and 93/100 feet (5.93');

thence with westerly lines of said Parker land for the following seven (7) described courses:

- ✓ 1) South fifty degrees fifty-four minutes nine seconds West (S50°54'09"W) for one thousand five hundred ninety-seven and 39/100 feet (1597.39') to an iron pin (found) in a small pile of stones, witness a 24 inch black oak pointer South twenty-three degrees forty-five minutes twenty-six seconds West (S23°45'26"W) at twenty-one and 56/100 feet (21.56');
- ✓ 2) North eighty-nine degrees thirty-five minutes fifty seconds West (N89°35'50"W) for nine hundred forty-four and 83/100 feet (944.83') to an iron pin (found);
- ✓ 3) South seventeen degrees nine minutes ten seconds West (S17°09'10"W) for one thousand fifty-six and 00/100 feet (1056.00') to a 5/8 inch rebar (set);
- ✓ 4) South no degrees forty-eight minutes fifty seconds East (S00°48'50"E) for three hundred ninety-six and 00/100 feet (396.00') to a 5/8 inch rebar (set);
- ✓ 5) South eighty degrees fifty-nine minutes ten seconds West (S80°59'10"W) for five hundred ninety-one and 71/100 feet (591.71') to a thirty-six inch (36") marked red oak (found);
- ✓ 6) North twenty-four degrees forty-two minutes fifty seconds West (N24°42'50"W) for seven hundred twenty-seven and 76/100 feet (727.76') to a 5/8 inch rebar (set);



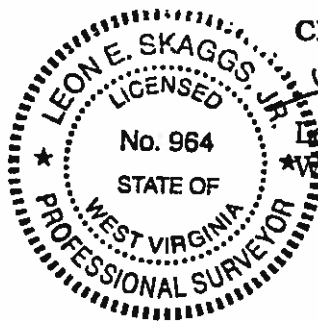
✓ 7) North thirty-five degrees forty-seven minutes ten seconds East (N35°47'10"E) for one hundred seventy-four and 30/100 feet (174.30') to a 5/8 inch rebar (set) in said east right of way line of West Virginia Secondary Route 27, witness an iron pin North sixty-eight degrees fifty-three minutes thirty-three seconds East (N68°53'33"E) at eight and 73/100 feet (8.73').

thence with said east right of way line for the following fifteen (15) described courses:

- ✓ 1) North eighty-one degrees fifteen minutes twenty-four seconds East (N81°15'24"E) for four hundred forty-five and 80/100 feet (445.80');
- ✓ 2) North seventy degrees no minutes thirty-two seconds East (N70°00'32"E) for one hundred thirteen and 66/100 feet (113.66');
- ✓ 3) North twenty-six degrees six minutes twenty-five seconds East (N26°06'25"E) for two hundred thirty-nine and 05/100 feet (239.05');
- ✓ 4) North twenty-three degrees thirty-eight minutes fifty-eight seconds East (N23°38'58"E) for three hundred ninety-two and 23/100 feet (392.23');
- ✓ 5) North twenty-nine degrees ten minutes fifty-seven seconds East (N29°10'57"E) for sixty-eight and 16/100 feet (68.16');
- ✓ 6) North forty-six degrees fourteen minutes twenty-one seconds East (N46°14'21"E) for fifty-nine and 08/100 feet (59.08');
- ✓ 7) North fifty-two degrees thirty-eight minutes thirteen seconds East (N52°38'13"E) for one hundred seventy-one and 50/100 feet (171.50');
- ✓ 8) North forty-seven degrees fifty-three minutes thirty-four seconds East (N47°53'34"E) for one hundred eleven and 89/100 feet (111.89');
- ✓ 9) North forty-four degrees nineteen minutes eleven seconds East (N44°19'11"E) for two hundred seventy-one and 97/100 feet (271.97');
- ✓ 10) North forty-three degrees forty-two minutes forty-nine seconds East (N43°42'49"E) for three hundred sixty-one and 56/100 feet (361.56');
- ✓ 11) North thirty-four degrees fourteen minutes fifty-two seconds East (N34°14'52"E) for one hundred ninety-eight and 24/100 feet (198.24');



- ✓ 12) North twenty-four degrees forty-seven minutes thirty-four seconds East (N24°47'34"E) for six hundred twenty-two and 95/100 feet (622.95');
- ✓ 13) North twenty-nine degrees nine minutes fifty-one seconds East (N29°09'51"E) for one hundred seventeen and 16/100 feet (117.16');
- ✓ 14) North thirty-three degrees twenty-four minutes three seconds East (N33°24'03"E) for two hundred fifteen and 13/100 feet (215.13');
- ✓ 15) North twenty-three degrees forty-two minutes fifty-two seconds East (N23°42'52"E) for fifteen and 37/100 feet (15.37') to the true point of beginning of the herein described Parcel 3, containing sixty-three and 443/1000 (63.443) acres, more or less, all three parcels are subject however to all covenants, conditions, restrictions, reservations, and easements contained in any instrument of record pertaining to the above described tract of land.



Chapman Technical Group

Leon E. Skaggs, Jr.
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West Virginia Professional Surveyor No. 964